

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

DEBRA M. WHITEMAN,

STIPULATION

a Justice of the Cherry Valley Town Court,
Otsego County.

----- X

THE FOLLOWING IS HEREBY STIPULATED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct (hereinafter "Commission"), the Honorable Debra M. Whiteman, the respondent in this proceeding, and her attorney, Dennis B. Laughlin Esq.

1. This Stipulation is presented to the Commission in connection with a formal proceeding pending against respondent.
2. Respondent is not and never has been an attorney. She has been a Justice of the Cherry Valley Town Court, Otsego County, since November 1, 1997. Respondent's current term as Town Justice expires on December 31, 2009.
3. Respondent was served with a Formal Written Complaint dated October 29, 2009, which contained four charges. A copy of the Formal Written Complaint is annexed as Exhibit A.
4. Respondent filed an Answer dated November 19, 2009, in which she admitted the material allegations of Charge I and acknowledged her inability to produce court financial records for the years 2003 and 2004, but denied the remainder of the

allegations. A copy of respondent's Answer is annexed as Exhibit B.

5. Respondent affirms that she is leaving judicial office upon the expiration of her term on December 31, 2009, and that she will neither seek nor accept judicial office at any time in the future.

6. All parties to this Stipulation respectfully request that the Commission close the pending matter based upon this Stipulation.

7. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent this stipulation will be made public if accepted by the Commission.

Dated: 12/3/09

Honorable Debra M. Whiteman
Respondent

Dated: 3 DEC 2009

Dennis B. Laughlin, Esq.
Attorney for Respondent

Dated: DEC 4, 2009

Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(**Charles F. Farcher, Of Counsel**)

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

DEBRA M. WHITEMAN,

a Justice of the Cherry Valley Town Court,
Otsego County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent Debra M. Whiteman, a Justice of the Cherry Valley Town Court, Otsego County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon her to serve the Commission at its Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with her verified Answer to the specific paragraphs of the Complaint.

Dated: October 29, 2009
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

To: Dennis B. Laughlin
Attorney for Respondent
77 Alden Street
Post Office Box 217
Cherry Valley, New York 13320

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

DEBRA M. WHITEMAN,

a Justice of the Cherry Valley Town Court,
Otsego County.

**FORMAL
WRITTEN COMPLAINT**

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Debra M. Whiteman ("respondent"), a Justice of the Cherry Valley Town Court, Otsego County.
3. The factual allegations set forth in Charges I through IV state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").
4. Respondent has been a Justice of the Cherry Valley Town Court, Otsego County, since 1998. Respondent's current term expires on December 31, 2009. Respondent is not an attorney.

CHARGE I

5. From in or about November 2003 to in or about June 2009, as set forth on the annexed Schedules A, B and C, respondent failed to deposit approximately \$8,745 in court funds within 72 hours of receipt, as required by Section 214.9(a) of the Uniform Civil Rules for the Justice Courts.

6. From in or about November 2003 to in or about June 2009, as set forth on the annexed Schedules A and C, respondent failed to remit approximately \$5,885 in court funds to the State Comptroller, as required by Sections 2020 and 2021(1) of the Uniform Justice Court Act, Section 1803 of the Vehicle and Traffic Law, and Section 27(1) of the Town Law.

Specifications to Charge I

7. As set forth on Schedule A, respondent failed to deposit into her court account or to remit to the State Comptroller \$4,610 in checks, money orders and cash she received in 23 cases between November 2003 and December 2006. Respondent kept these funds unsecured within the court dockets in an unsecured area of the court, where they remained as of June 9, 2009.

8. As set forth on Schedule B, for periods of between eight and 42 months, respondent failed to deposit into her court account \$2,860 in checks and money orders she received in 17 cases between April 2004 and November 2006, resulting in the refusal of the payors to honor the stale checks and money orders.

9. As set forth on Schedule C, respondent failed to deposit into her court account or remit to the State Comptroller \$1,275 in checks and money orders she received in eight cases between December 2004 and August 2005.

10. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that she failed to give her judicial duties precedence over all her other activities, in violation of Section 100.3(A) of the Rules, failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to dispose of all judicial matters promptly, efficiently and fairly, in violation of Section 100.3(B)(7) of the Rules, failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules, and failed to require court staff to observe the standards of fidelity and diligence that apply to the judge, in violation of Section 100.3(C)(2) of the Rules.

CHARGE II

11. At various times between January 1, 2004 and the present, respondent altered court records in 22 cases and destroyed documents in eight of those cases to conceal her mishandling of court funds.

Specifications as to Charge II

12. As set forth on Schedule B, respondent altered her court dockets in 15 cases to conceal the date she received court funds and altered her court dockets in ten cases to falsely reflect that she dismissed the charge.

13. As set forth on Schedule C, respondent altered her court dockets in seven cases to conceal the dates she received court funds, and she altered her court dockets in two of those cases to falsely reflect that she had dismissed the charges. In addition, respondent destroyed checks, money orders and/or records of payments received with respect to each case set forth on Schedule C.

14. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; and failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules

CHARGE III

15. At various times between January 2005 and August 2008, in nine cases as set forth on the annexed Schedule D, respondent failed to timely notify the Department of Motor Vehicles to lift the suspension of the defendants' drivers licenses after having received the defendants' fine monies and termination-of-suspension fees, notwithstanding Section 503(2)(j-1)(i) of the Vehicle and Traffic Law.

16. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that she failed to give her judicial duties precedence over all her other activities, in violation of Section 100.3(A) of the Rules, failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to dispose of all judicial matters promptly, efficiently and fairly, in violation of Section 100.3(B)(7) of the Rules, failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules, and failed to require

court staff to observe the standards of fidelity and diligence that apply to the judge, in violation of Section 100.3(C)(2) of the Rules.

CHARGE IV

17. From in or about 2003 to the present, respondent failed to maintain adequate court records as required by Sections 107 and 2019 of the Uniform Justice Court Act and Section 214.11(a) of the Uniform Civil Rules for the Justice Courts, in that she was unable to produce for the Commission any financial records pertaining to the years 2003 and 2004 and otherwise kept inaccurate and altered court records.

Specifications to Charge IV

18. Notwithstanding a continuing request by Commission Counsel, respondent has been unable to produce court financial records for the years 2003 and 2004, including, but not limited to, bank statements, cashbooks and deposit receipts.

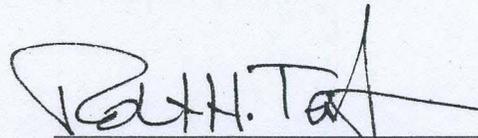
19. Respondent has failed to maintain accurate court records, in that she stores court records in an unsecured storage closet and, as set forth more fully on Schedules B and C, and in Charge II, *supra*, has altered court dockets and destroyed documents.

20. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety

in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to give her judicial duties precedence over all her other activities, in violation of Section 100.3(A) of the Rules, failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to diligently discharge her administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules, and failed to require court staff to observe the standards of fidelity and diligence that apply to the judge, in violation of Section 100.3(C)(2) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: October 29, 2009
New York, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

VERIFICATION

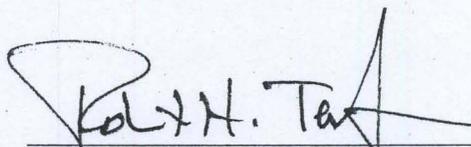
DEBRA M. WHITEMAN,

a Justice of the Cherry Valley Town Court,
Otsego County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

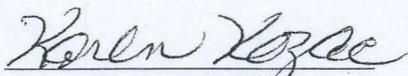
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
29th day of October 2009



Notary Public

KAREN KOZAC
NOTARY PUBLIC, State of New York
No. 02KO6171500
Qualified in Westchester County
Commission Expires July 23, 20 11

Schedule A to Formal Written Complaint

**Hon. Debra Whiteman
Cherry Valley Town Justice
Otsego County**

Undeposited Money Orders, Checks and Cash Located in Vehicle and Traffic Dockets

Docket Page	Name of Case	Payment Type	Date of Payment	Amount Paid
Docket 1/01-3/03				
10, 11	Ryan Marshall	Money Order	3/9/05	\$295
187	Donald Concolino	Personal Check (by Sandra Nelson)	4/20/04	405
		Money Order	6/24/04	405
457	Graham L. Cavanagh	Personal Check (by Susan Cavanagh)	4/15/04	100
		Cash	6/9/04	155
Docket 5/03-2/05				
52	April Rackmyer	Personal Check (by Nancy Rackmyer)	11/13/03	40
65	Valerie Acciani	Cashier's Check (by Kenton Hall)	11/10/03	35
76	Heather Hines	Money Order	11/24/04	190
96	Mary Patenaude	Personal Check	11/26/04	85
		Check	1/5/05	85
103-107	Jeremiah Collins	Cash	11/24/04	210
182	Gregory Fishel II	Treasurer's Check	8/2/04	\$205

Schedule A to Letter Dated May 15, 2009 (cont'd.):

Undeposited Money Orders, Checks and Cash Located in Vehicle and Traffic Dockets

Docket Page	Name of Case	Payment Type	Date of Payment	Amount Paid
Docket 5/03-2/05 (cont'd.)				
193	Kevin Bernier	Cash	2/16/05	240
197	Elizabeth Shohov	Money Order	10/27/04	105
		Personal Check	11/17/04	35
225	Joseph Santero, Jr.	Personal Check	7/28/04	155
313	Michelle Crandall	Personal Check	2/16/05	105
344	Samuel Vincent, Jr.	Attorney's Check	2/9/06	155
352	Alfred Wetteman	Personal Check	Undated	105
361	Dax Natoli	Money Order	2/1/05	155
378	Nathan Grescheck	Money Order	1/28/05	165
397	Jason Stone	Money Order	11/19/04	155
401	Linda McDonald	Cashier's Check	11/8/04	155
422	Tara Palmere	Money Order	12/3/04	210
456	Benjamin Goldman	Money Order	2/4/05	155
463-64	Faatih Rasul	Attorney's Check	5/4/06	35
		Attorney's Check	8/15/06	360
488	Jeremy Gage	Money Order*	2/14/05	105
N/A	N/A**	Cash*	12/14/06	5
				<hr/> \$4,610

* Located in bank statement binder.

** Cash returned to court from bank for over-deposit with note and deposit receipt.

Schedule B to Formal Written Complaint

Hon. Debra Whiteman
Cherry Valley Town Justice
Otsego County

Untimely Deposited Checks and Money Orders
Resulting in Stop Payments and Returned Items

Docket Page	Name of Case	Date of Check or Money Order	Amount Paid	Attempted Deposit Date	Docket Altered
Docket 9/94-7/98					
377	John Powell	12/28/04	35	10/26/07	No
Docket 5/03-2/05					
172	Michael Bachanas	4/16/04	105	10/25/07	Yes
199	Audrey Maldonado	7/10/04	155	11/6/07	Yes
217	Luke Grooms	6/15/04	175	10/26/07	Yes
232	Maynard Clark	8/12/04	105	10/29/07	Yes
257	John McGinnis	6/25/04	155	10/25/07	Yes
272	Abdel Eid	7/5/04	155	10/26/07	Yes
275	Thomas Hodgden	8/8/04	235	10/29/07	Yes
280	Neil Moss	7/18/04	100	9/12/07	Yes
310	Eileen McDougal	9/8/04	155	10/26/07	Yes
366	David Bird	9/11/04	195	10/29/07	Yes
500	Christopher Davanzo	11/1/05	155	7/28/06	Yes
Docket 1/05-9/06					
82	Paul Klonowski	7/20/05	\$215	9/13/07	Yes
102	Christopher J. Gardner	6/30/06	105	6/25/07	Yes

Schedule B to Letter Dated May 15, 2009 (cont'd.)

Untimely Deposited Checks and Money Orders Resulting in Stop Payments and Returned Items

Docket Page	Name of Case	Date of Check or Money Order	Amount Paid	Attempted Deposit Date	Docket Altered
Docket 1/05-9/06 (cont'd.)					
338-39	Thomas Effner	11/17/06	555	7/25/07	Yes
415	Joan McMullen	9/22/06	105	6/26/07	Yes
None	Jessica Marriott	11/24/04	155	8/24/06	No Docket Located
			<u>\$2,860</u>		

Schedule C to Formal Written Complaint

Hon. Debra Whiteman
Cherry Valley Town Justice
Otsego County

Cases in Which Money Orders and Checks Were
Not Deposited Per Cashbook Entries Dated 11/07

<u>Docket Page</u>	<u>Name of Case</u>	<u>Approximate Date of Payment</u>	<u>Amount Paid</u>	<u>Docket Altered</u>
Docket 5/03-2/05				
130	Matthew Anderson	2/05	155	Yes
331	Kathryn Simons*	12/8/04	155	No
467	B.L. Gallup, 2 nd	1/05	205	Yes
474	George Satterfield	3/05	235	Yes
475	Jennifer Slocum	3/05	155	Yes
486	Bruce Davies	3/05	70 (per receipt)	Yes
487	Jean Relyea	2/23/05	105 (per receipt)	Yes
Docket 1/05-9/06				
118	Anthony Conde	8/05	195	Yes
			\$1,275	

* Per check register, deposit attempted approximately 9/06.

Schedule D to Formal Written Complaint

Hon. Debra Whiteman
Cherry Valley Town Justice
Otsego County

Failure To Cause License Suspensions To Be Lifted
Following Receipt Of Suspension Fee/Fine Payment

Docket Page	Name of Case	Date of Suspension	Date of Receipt of Fine/Suspension Fee Per Receipt	Receipt Number	Amount Received	Date Reported and Remitted to State Comptroller	License Remains Suspended as of:
Docket 9/94-7/98							
391	John Mueller	5/29/99	10/10/07	11595	\$190	10/07	5/6/09
Docket 5/03-2/05							
100	Daniel Drake	3/25/04	9/1/07	11536	140	9/07	5/6/09
144	Edward Daly	7/9/04	9/1/07*	11537	135	9/07*	5/6/09
329	Jennifer Francis	1/28/05	1/26/05	None	35	Pending	5/6/09
463-64	Faatih Rasul	12/1/05	5/4/06	None	35	---	1/24/07 (suspension lifted)
			8/15/06	None	360	---	1/24/07 (suspension lifted)

*Edward Daly: Docket page states that fine was paid on 4/28/04 and that it was reported/remitted on 5/04 report.

Schedule D to Letter Dated May 15, 2009 (cont'd.)

Failure To Cause License Suspensions To Be Lifted Following Receipt Of Suspension Fee/Fine Payment

Docket Page	Name of Case	Date of Suspension	Date of Receipt of Fine/Suspension Fee Per Receipt	Receipt Number	Amount Received	Date Reported and Remitted to State Comptroller	License Remains Suspended as of:
Docket 1/05-9/06							
475	Jason Finklestein	3/7/07	10/10/07	11594	170	10/07	5/6/09
Docket 9/06-Present							
002	Michael Bull	1/23/08	3/12/08	11667	170	3/08	5/6/09
073	Blanca Kalinowski	12/2/07	8/13/08	11732	170	8/08	5/6/09
268	Daniel Rockwell	11/20/08	N/A	N/A	Dismissed	3/08	4/1/09 (suspension lifted)

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

DEBRA M. WHITEMAN,

a Justice of the Cherry Valley Town Court,
Otsego County.

**REQUEST AND AUTHORIZATION BY JUDGE OR JUSTICE FOR
NOTIFICATION TO ATTORNEY OF COMMISSION DETERMINATION**

In the event that a determination of the Commission on Judicial Conduct is made affecting me and requiring transmittal to the Chief Judge and service upon me in accordance with Section 44, subdivision 7, of the Judiciary Law, the undersigned judge or justice:

- (1) requests and authorizes that the Commission transmit the request to the Chief Judge together with the other required papers and
- (2) requests and authorizes the Chief Judge to cause a copy of my notification letter from her and a copy of the determination to be sent to my attorney(s) by mail.

(Name, Address, Tel. No.)

This request and authorization shall remain in force unless and until a revocation in writing by the undersigned judge or justice is received by the Commission.

Dated:

Judge or Justice

Acknowledgment

Attorney(s) for Judge or Justice

EXHIBIT B

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding Pursuant to Section 44,
Subdivision 4, of the Judiciary Law in Relation to

DEBRA M. WHITEMAN,

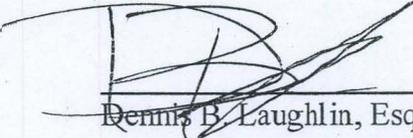
a Justice of the Cherry Valley Town Court, Otsego
County.

VERIFIED ANSWER

Respondent, by Dennis B. Laughlin, Esquire, Tracy's Law Office, as and for an Answer to the Formal Written Complaint herein, alleges:

1. Admits to each and every allegation contained in the paragraphs of the Formal Written Compliant numbered one, four, five, six, eight, nine, and eighteen.
2. Denies that Respondent possesses knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraphs of the Formal Written Compliant numbered two, ten, fourteen, sixteen, and twenty.
3. Denies each and every allegation contained in each paragraphs of the Formal Written Compliant numbered three, seven, eleven, twelve, thirteen, fifteen, seventeen, and nineteen.
4. Denies each and every allegation not previously and specifically admitted or denied.

Dated: November 19, 2009

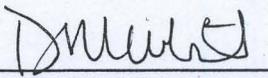


Dennis B. Laughlin, Esquire
Attorney for Debra M. Whiteman
Tracy's Law Office
77 Alden Street; Post Office Box 217
Cherry Valley New York 13320-0217
(607) 264 9988 ~ (607) 264 9094 Facsimile
dennis @ donovanlaughlin.com

VERIFICATION

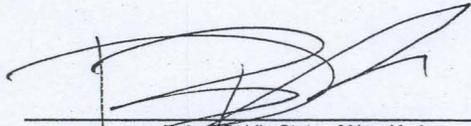
STATE OF NEW YORK)
) ss.:
COUNTY OF OTSEGO)

Debra M. Whiteman, being duly sworn, deposes and says that deponent is the Respondent in this action and has read this Answer; deponent knows its content and knows that it is true to the best of deponent's knowledge, except as to those matters stated to be upon information and belief, and as to those matters deponent believes them to be true.



Debra M. Whiteman, Respondent

Subscribed and sworn to before me this ^{27th}~~20th~~
day of November 2009



Notary Public State of New York
Commission expires

Dennis B. Laughlin
Notary Public State of New York
No. 01LA6094912
Qualified in Otsego County
Commission expires June 30, 2011